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AUTHORITY: 5 U.S.C. 301, 552; 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*; 7 CFR 2.7.

SOURCE: 63 FR 16085, Apr. 2, 1998, unless otherwise noted.

Subpart A—General

§ 1700.1 General.

(a) The Rural Electrification Administration (REA) was established by Executive Order No. 7037 on May 11, 1935. Statutory authority was provided by the Rural Electrification Act of 1936 (RE Act) (7 U.S.C. 901). The RE Act established REA as a lending agency with responsibility for developing a program for rural electrification.

(b) On October 28, 1949, the RE Act was amended to authorize REA to

make loans to improve and extend telephone service in rural areas. The Rural Telephone Bank (RTB), an agency of the United States, was established by amendment to the RE Act, approved May 7, 1971. The Administrator of RUS serves as the Bank's chief executive with the title of Governor.

(c) The Secretary of Agriculture (Secretary) established the Rural Utilities Service (RUS) on October 20, 1994, pursuant to the Department of Agriculture Reorganization Act of 1994, (7 U.S.C. 6941 *et seq.*). RUS was assigned responsibility for administering electric and telecommunications loan and loan guarantee programs previously administered by REA, including programs of the Rural Telephone Bank (RTB), and water and waste loans and grants previously administered by the Rural Development Administration, along with other functions as the Secretary determined appropriate. The rights, interests, obligations, duties, and contracts previously vested in REA were transferred to, and vested in RUS.

§ 1700.2 Availability of information.

(a) The offices of RUS are located in the South Building of the United States Department of Agriculture at 1400 Independence Avenue, SW, Washington, DC 20250-1500. Hours of operation are from 8:15 AM to 4:45 PM, Eastern time on Federal Government business days.

(b) Information about RUS is available for public inspection and copying as required by the Freedom of Information Act, 5 U.S.C. 552 *et seq.* Information about availability and costs of agency publications and other agency materials is available from the Director, Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, Room 5159-S, 1400 Independence Avenue, SW., STOP 1530, Washington, DC 20250-1530. Phone 202-720-9450. FAX 202-720-8435.

(c) RUS issues indexes of publications in conformance with the Freedom of Information Act and Department of Agriculture regulations at 7 CFR part 1. Many RUS documents, including regulations and delegations of authority for headquarters and field staff are

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available on the world wide web at <http://www.usda.gov/rus>.

[63 FR 16085, Apr. 2, 1998, as amended at 71 FR 8435, Feb. 17, 2006]

§ 1700.3 Requests under the Freedom of Information Act.

Department of Agriculture procedures for requests for records under the Freedom of Information Act are found at 7 CFR part 1. Requests must be in writing and may be submitted in person or by mail to United States Department of Agriculture, Rural Utilities Service, Room 5159-S, 1400 Independence Avenue, SW., STOP 1530, Washington, DC 20250-1530; or by FAX to 202-401-1977. As set forth in 7 CFR 1.16, fees may be charged for processing of requests for records. An appeal of the agency determination concerning the request for official records shall be made in writing to the Administrator, Rural Utilities Service, United States Department of Agriculture, Room 5135-S, 1400 Independence Avenue, SW., STOP 1510, Washington, DC 20250-1510.

[71 FR 8435, Feb. 17, 2006]

§ 1700.4 Public comments on proposed rules.

RUS requires that all persons submitting comments to a proposed rule or other document published by the agency in the FEDERAL REGISTER, submit comments as specified in the published notice. Copies of comments submitted are available to the public in conformance with 7 CFR part 1.

[71 FR 8435, Feb. 17, 2006]

§§ 1700.5–1700.24 [Reserved]

Subpart B—Agency Organization and Functions

§ 1700.25 Office of the Administrator.

The Administrator, who also serves as Governor of the RTB, is appointed by the President, with the advice and consent of the Senate. The Under Secretary, Rural Development delegated to the Administrator, in 7 CFR part 2, responsibility for administering the programs and activities of RUS and RTB. The Administrator is aided directly by Deputy Administrators and by Assistant Administrators for the

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electric program, telecommunications program, the water and environmental programs, and program accounting and regulatory analysis, and by other staff offices. The work of the agency is carried out as described in this part.

§ 1700.26 Deputy Administrator.

The Deputy Administrator aids and assists the Administrator. The Deputy Administrator provides overall policy direction to all RUS programs. The Deputy Administrator reviews agency policies and, as necessary, implements changes and participates with the Administrator and other officials in planning and formulating the programs and activities of the agency, including the making and servicing of loans and grants. The Deputy Administrator is “first assistant” for purposes of the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345–3349d).

[71 FR 8435, Feb. 17, 2006]

§ 1700.27 Chief of Staff.

The Chief of Staff aids and assists the Administrator and the Deputy Administrator. The Chief of Staff advises the Administrator regarding policy initiatives and operational issues and assists the Administrator and the Deputy Administrator in developing and planning agency program initiatives. The Chief of Staff is responsible for implementation of overall policy initiatives and provides direction to all RUS programs.

[71 FR 8436, Feb. 17, 2006]

§ 1700.28 Electric Program.

RUS, through the Electric Program, makes loans and loan guarantees for rural electrification and the furnishing of electric service to persons in rural areas.

(a) *The Assistant Administrator, Electric Program*, directs and coordinates the rural electrification programs, participating with the Administrator, and others, in planning and formulating the programs and activities of the agency, and performs other activities as the Administrator may prescribe from time to time.

(b) *Primary point of contact with borrowers.* Two regional divisions, one for the Northern Region and one for the

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Southern Region, are the primary points of contact between RUS and its electric distribution borrowers. Each office administers the rural electric program for its assigned geographical area through headquarters staff and general field representatives. The Power Supply Division is the primary point of contact between RUS and its electric power supply borrowers.

(c) *Staff office.* The Electric Staff Division is responsible for engineering aspects of RUS' standards, specifications and other requirements for design, construction, and technical operation and maintenance of RUS borrowers' electric systems. The Electric Staff Division oversees the activities of Technical Standards Committees "A" and "B", Electric, which determine whether engineering specifications, drawings, material and equipment are acceptable for use in RUS borrowers' electric systems. The Office of the Assistant Administrator prepares analyses of loan making activities and the business and regulatory environment of RUS borrowers and recommends policies and procedures.

[63 FR 16085, Apr. 2, 1998. Redesignated at 71 FR 8436, Feb. 17, 2006]

§ 1700.29 Telecommunications Program.

RUS and RTB, through the Telecommunications Program, make loans and loan guarantees to furnish and improve telecommunications service in rural areas.

(a) *The Assistant Administrator, Telecommunications Program,* directs and coordinates the rural telecommunications programs, including the distance learning and telemedicine program, and in conjunction with the Administrator and Deputy Administrator, and others, the planning and formulating of programs and activities of the agency, and performs other activities as the Administrator may prescribe from time to time.

(b) *Primary point of contact with borrowers.* Area offices are the primary points of contact between RUS and all telecommunications program borrowers. Each office administers the rural telecommunications program for its assigned geographical area with as-

sistance of field representatives located in areas assigned to them.

(c) *Staff offices.* The Telecommunications Staff Division is responsible for engineering aspects of design, construction, and technical operation and maintenance of rural telecommunications systems and facilities, including the activities of Technical Standards Committees "A" and "B", Telecommunications, which determine whether engineering specifications, drawings, material, and equipment are acceptable for use in RUS financed telecommunications systems. The Advanced Telecommunications Services office prepares analyses of loan making activities and the business and regulatory environment of RUS borrowers and recommends policies and procedures.

[63 FR 16085, Apr. 2, 1998; 63 FR 18307, Apr. 15, 1998. Redesignated at 71 FR 8436, Feb. 17, 2006]

§ 1700.30 Water and Environmental Programs.

RUS, through the Water and Environmental Programs, provides loan and grant funds for water and waste disposal projects serving the most financially needy rural communities.

(a) *The Assistant Administrator, Water and Environmental Programs,* develops and institutes plans, procedures, and policies for the effective, efficient, and orderly management of Water and Environmental Programs responsibilities; provides leadership to ensure execution of policies and procedures by the Water and Waste Disposal programs and support functions; and performs other activities as the Administrator or Deputy Administrator may prescribe from time to time.

(b) *Primary point of contact.* The State Rural Development Offices are the primary points of contact between RUS and loan and grant recipients.

(c) *The Engineering and Environmental Staff* is responsible for engineering staff activities at all stages of Water and Waste Disposal programs implementation, including review of preliminary engineering plans and specifications, procurement practices, contract awards, construction monitoring, and system operation and maintenance. This staff develops agency engineering

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practices, policies, guidelines, and technical data relating to the construction and operation of water and waste disposal systems, and for implementing the National Environmental Policy Act, and other environmental requirements as they apply to all agency programs and activities.

[63 FR 16085, Apr. 2, 1998. Redesignated at 71 FR 8436, Feb. 17, 2006]

§ 1700.31 Distance Learning and Telemedicine Loan and Grant Program.

RUS, through the Telecommunications Program, makes grants and loans to furnish and improve telemedicine services and distance learning services in rural areas.

(a) *The Assistant Administrator, Telecommunications Program*, directs and coordinates the distance learning and telemedicine program.

(b) *Primary point of contact with borrowers*. The area offices, described in § 1700.28(b) support the distance learning and telemedicine program. Each office administers the distance learning and telemedicine program for its assigned geographical area with assistance of field representatives located in areas assigned to them.

[63 FR 16085, Apr. 2, 1998; 63 FR 18307, Apr. 15, 1998. Redesignated at 71 FR 8436, Feb. 17, 2006]

§ 1700.32 Program Accounting and Regulatory Analysis.

RUS, through Program Accounting and Regulatory Analysis, monitors and administers applicable regulations, RUS policy, and accounting requirements. The staffs assist the Assistant Administrator with respect to management, information systems, budgets, and other such matters.

(a) *The Assistant Administrator, Program Accounting and Regulatory Analysis*, directs and coordinates program accounting and financial services with respect to electric and telecommunications borrowers and directs and coordinates the regulatory actions of the agency.

(b) This division monitors borrowers' accounting operations in order to ensure compliance with applicable statutory and regulatory requirements and with the requirements of the Office of Management and Budget.

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(c) The two regional branches (the Northern Region and the Southern Region) work directly with borrowers. Each regional office has a staff of headquarters and field accountants. The Technical Accounting and Auditing Staff monitors industry developments, including the standards of the Financial Accounting Standards Board, and recommends Agency policies and procedures.

(d) Program Development and Regulatory Analysis directs and administers the preparation, clearance, processing, and distribution of RUS submissions to the Office of the Federal Register in the form of proposed and final rules and notices and RUS bulletins and staff instructions.

[63 FR 16085, Apr. 2, 1998. Redesignated at 71 FR 8436, Feb. 17, 2006]

§ 1700.33 Financial Services Staff.

The Financial Services Staff evaluates the financial condition of financially troubled borrowers in order to protect the Government's interests.

[63 FR 16085, Apr. 2, 1998. Redesignated at 71 FR 8436, Feb. 17, 2006]

§ 1700.34 Assistance to High Energy Cost Rural Communities.

RUS, through the Electric Program, makes grants and loans to assist high energy cost rural communities. The Assistant Administrator, Electric Program, directs and coordinates the assistance to high energy cost rural communities program and serves as the primary point of contact for applicants, grantees, and borrowers.

[70 FR 5351, Feb. 2, 2005. Redesignated at 71 FR 8436, Feb. 17, 2006]

§§ 1700.35–1700.49 [Reserved]

Subpart C—Loan and Grant Approval Authorities

§§ 1700.50–1700.52 [Reserved]

§ 1700.53 Persons serving as Acting Administrator.

In accordance with procedures established in the RUS Continuity of Operations (COOP) plan, the following officials, in the order indicated below, shall act in the office of Rural Utilities

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Service Administrator in case of the Administrator's absence, or inability to act, until the absence or inability ceases.

(a) The Deputy Administrator is "first assistant" for purposes of the Federal Vacancies Reform Act of 1998 (5 U.S.C. § 3345-3349d) and shall, in the absence or disability of the Administrator, or in the event of a vacancy in the office of Administrator, serve as Acting Administrator, subject to the limitations established by law.

(b) In the event of the absence or disability of both the Administrator and the Deputy Administrator, or in the event of a vacancy in both the office of the Administrator and the Deputy Administrator, the official incumbents of the following positions shall, in the sequence shown, temporarily perform all of the functions and duties of the Administrator, except to the extent that such functions and duties may not be delegated by law.

(1) Chief of Staff.

(2) Assistant Administrator, Electric Program.

(3) Assistant Administrator, Water and Environmental Programs.

(4) Assistant Administrator, Telecommunications Programs.

(5) Assistant Administrator, Program Accounting and Regulatory Analysis.

(6) Community Programs Director of the Rural Development Kentucky State Office.

(c) Eligibility for succession to the position of RUS Administrator shall be limited to officially assigned incumbents of positions listed in paragraph (b) of this section. Only officials specifically designated in the approved order of succession are eligible. Persons appointed on acting basis, or on some other temporary basis, are ineligible by virtue of so serving to serve as a successor. Therefore the order of succession would fall to the next designated official in the approved order of succession. The eligibility of the incumbent of paragraph (b)(6) of this section to serve as a successor is also limited to periods of national emergency declared by the President or during the activation of the RUS COOP plan.

(d) In the event of the absence or disability of the Administrator, or in the event that the Administrator's posi-

tion is vacant, the Deputy Rural Utilities Service Administrator is the only RUS official authorized to serve as Acting Administrator. When serving as Acting Administrator, the Deputy Administrator is authorized to perform all of the functions and duties of the office of the Administrator, including those functions and duties that are required by statute or regulation to be performed exclusively by the Administrator. In the event of the absence or disability of both Administrator and the Deputy Administrator, or in the event that both the office of Administrator and Deputy Administrator are vacant, the officials in the order of succession indicated in paragraph (b) of this section shall perform all the functions and duties of the Administrator but may not serve as Acting Administrator.

(e) The Administrator retains the discretion to depart from the order in paragraph (b) for occasions where deviation from automatic succession is desired by the Administrator. Such temporary designations shall be in writing. Notwithstanding the provisions of this § 1710.53 not contained in this paragraph (e), the Administrator may delegate full or limited authority to perform the functions and duties of the office of Administrator except to the extent that such functions and duties may not be delegated by law.

(f) The Administrator may terminate the delegations under this section 1700.53, in whole or in part, at any time. Unless terminated by the Administrator, written delegations under paragraph (e) of this section expire in accordance with their terms. Individuals acting as successors under paragraph (b) of this section will be relieved of such authority as soon as an incumbent in a position listed higher on the order of succession is available, able, and assumes the functions and duties of the Administrator, or when an official with requisite authority designates a permanent or acting Administrator.

(g) Individuals exercising authority under this § 1700.53 shall keep a record of important actions taken and the period during which the authority is exercised.

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(h) The authority to perform functions and duties pursuant to this §1700.53 can not be redelegated by an incumbent of a position listed in paragraph (b) of this section.

[71 FR 8436, Feb. 17, 2006]

§ 1700.54 Electric Program.

(a) *Administrator*: The authority to approve the following loans, loan guarantees, and lien accommodations and subordinations of liens is reserved to the Administrator:

(1) All discretionary hardship loans.

(2) All loans, loan guarantees, and lien accommodations and subordinations of liens to finance operating costs.

(3) All loans, loan guarantees, and lien accommodations and subordinations of liens of more than \$20,000,000 for distribution borrowers or more than \$50,000,000 for power supply borrowers.

(4) All loans, loan guarantees, and lien accommodations and subordinations of liens for distribution borrowers that are members of a power supply borrower that is in default of its obligations to the Government or that is currently assigned to the Financial Services Staff, unless otherwise determined by the Administrator.

(5) All loans, loan guarantees, and lien accommodations and subordinations of liens that require an Environmental Impact Statement.

(6) Certifications and findings required by the RE Act or other applicable laws and regulations, the placing and releasing of conditions precedent to the advance of funds, and all security instruments, loan contracts, and all other necessary documents relating to the authorities reserved in this section.

(7) Execution of all loan contracts, security instruments, and all other documents in connection with loans, loan guarantees, and lien accommodations approved by the Administrator.

(b) *The Assistant Administrator, Electric Program*, has the authority to approve the following loans, loan guarantees, and lien accommodations and subordinations of liens, except for those approvals reserved to the Administrator:

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(1) Loans, loan guarantees, and lien accommodations and subordinations of liens for distribution borrowers in amounts not exceeding \$20,000,000.

(2) Loans, loan guarantees, and lien accommodations and subordinations of liens for power supply borrowers in amounts not exceeding \$50,000,000.

(3) Execution of all loan contracts, security instruments, and all other documents in connection with loans, loan guarantees, and lien accommodations approved by the Assistant Administrator, Electric Program.

(c) *Directors, Regional Divisions*, have the authority to approve, for distribution borrowers:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens in amounts not exceeding \$15,000,000 except for those approvals reserved to the Administrator.

(2) All certifications and findings required by the RE Act or other applicable laws and regulations, the imposing and releasing of conditions precedent to the advance of loan funds, and all security instruments, loan contracts, and all other documents relating to the delegations set forth in paragraph (c)(1) of this section.

(d) *Director, Power Supply Division*, has the authority to approve for power supply borrowers:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens in amounts not exceeding \$30,000,000, except for those approvals reserved to the Administrator.

(2) All certifications and findings required by the RE Act or other applicable laws and regulations, the placing and releasing of conditions precedent to the advance of funds, and all security instruments, loan contracts or all other documents relating to the delegations set forth in paragraph (d)(1) of this section.

§ 1700.55 Telecommunications Program.

(a) *Administrator*: The authority to approve the following loans, loan guarantees, and lien accommodations is reserved to the Administrator:

(1) All loans, loan guarantees, and lien accommodations and subordinations of liens to finance operating costs.

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(2) All loans, loan guarantees, or lien accommodations and subordinations of liens of \$25,000,000 or more.

(3) Loans and loan guarantees with acquisition costs of \$5,000,000 or more.

(4) Loans and loan guarantees containing funds to refinance outstanding debt of more than \$5,000,000.

(5) All loan contracts, security instruments, and all other documents to be executed in connection with loans and loan guarantees approved by the Administrator.

(b) *Assistant Administrator, Telecommunications Program*, has the authority to approve the following loans, loan guarantees, and lien accommodations, except for those approvals reserved to the Administrator:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens not to exceed \$25,000,000 except for those reserved to the Administrator.

(2) Loans and loan guarantees with acquisition costs where the acquisition portion of the loan is less than \$5,000,000.

(3) Loans and loan guarantees including refinancing amounts that do not exceed \$5,000,000.

(4) Distance learning and telemedicine loans and loan guarantees that do not exceed \$5,000,000.

(5) Loan contracts, security instruments, and other documents to be executed in connection with loans and loan guarantees approved by the Assistant Administrator, Telecommunications Program.

(c) *Area Directors* have the authority to approve the following loans, loan guarantees, and lien accommodations, except for those approvals reserved to the Administrator:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens of less than \$10,000,000.

(2) Loans and loan guarantees with acquisition costs of less than \$2,000,000.

(3) Loans and loan guarantees including refinancing amounts of less than \$2,000,000.

(4) Any modifications in the method of carrying out loan purposes.

§ 1700.56 Water and Environmental Programs.

The State Rural Development Offices have the responsibility for making and

servicing water and waste loans and grants.

§ 1700.57 Distance Learning and Telemedicine Loan and Grant Program.

(a) *Administrator*: The authority to approve the following loans and lien accommodations is reserved to the Administrator:

(1) Grants or loan and grant combinations.

(2) The number selected from each state for financial assistance for grant approval and loans or grants approved.

(3) Extension of principal and interest repayments for rural development purposes.

(4) Loan contracts, security instruments, and all other documents to be executed in connection with loans and loan guarantees approved by the Administrator.

(b) *Assistant Administrator, Telecommunications Program*, has the authority to approve the following loans and lien accommodations and subordinations of liens:

(1) Loans, that do not also include requests for grant funds, except for those reserved to the Administrator.

(2) Loan contracts, security instruments, and all other documents to be executed in connection with loans and loan guarantees approved by the Assistant Administrator, Telecommunications Program.

§ 1700.58 Assistance to high energy cost rural communities.

(a) *Administrator*: The authority to approve the following is reserved to the Administrator:

(1) Allocation of appropriated funds among high energy cost community assistance programs;

(2) Awards of grants and loans to extremely high energy cost communities;

(3) Awards of grants and loans to the Denali Commission;

(4) Awards of grants to State entities for State bulk fuel revolving funds; and

(5) Grant agreements, loan contracts, security instruments and all other documents executed in connection with grants and loans agreements approved by the Administrator.

(b) *The Assistant Administrator, Electric Program* has the authority to make

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any required certifications and to approve all grant and loan servicing actions not specifically reserved to the Administrator.

[70 FR 5351, Feb. 3, 2005]

PART 1703—RURAL DEVELOPMENT

Subpart A—B [Reserved]

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AUTHORITY: 7 U.S.C. 901 *et seq.* and 950aaa *et seq.*

SOURCE: 54 FR 6870, Feb. 15, 1989, unless otherwise noted. Redesignated at 55 FR 39394, Sept. 27, 1990.

Subpart A—B [Reserved]

Subpart C—Rural Business Incubator Program [Reserved]

§§ 1703.80–1703.99 [Reserved]

Subpart D—Distance Learning and Telemedicine Loan and Grant Program—General

SOURCE: 64 FR 14357, Mar. 25, 1999, unless otherwise noted.